

**DISSENTING VIEWS OF THE HONORABLE DAVID OBEY
AND NORMAN DICKS**

***THE FY 2001 INTERIOR APPROPRIATIONS BILL--A
FAILURE OF STEWARDSHIP***

The Congress, through the Interior appropriations bill, exercises its obligation as steward of America's lands and history to current and future generations. The American people look to the Congress through this bill to provide the fiscal means to ensure that the beauty and productivity of our parks, wildlife refuges, forests, and range lands are preserved and nurtured. They expect the resources to be provided for the preservation and display of the historic and cultural heritage that has made the United States a great nation. Beyond these national stewardship obligations, this bill finances this country's `trust' responsibilities to Native Americans, whose health, education and social service needs have assumed by the federal government as legal obligations through various treaties, statutes and other historic agreements. Meeting these multiple obligations is a major undertaking but also a fundamental responsibility of our government.

Unfortunately, rather than honoring this stewardship obligation, the fiscal year 2001 Interior spending bill reported by the Committee fails fundamentally to meet these challenges. The reason for this failure does not, however, lie with the Appropriations Committee's leadership. The reason lies with the Majority party's insistence on cutting taxes by \$170 billion over the next five years and financing these cuts with totally unrealistic reductions in discretionary spending. The Majority maintains the fiction that the national debt can be eliminated while delivering unaffordable tax cuts without damaging programs that are important to the American people. This bill is an example of the damage that such a fiction can cause when imposed on the real world which relies on the services of critical domestic programs. The bill's flaws are especially acute in four areas.

First, the bill ignores overwhelming evidence of the critical health, education and law enforcement needs of Native Americans by reducing the Administration's budget requests for the Bureau of Indian Affairs and the Indian Health Service by \$520 million. The health status of Native Americans is one of the poorest of any group in this country. Indians suffer mortality rates three times the national average from diabetes, tuberculosis, alcoholism and accidents. Many Indian schools are in a deplorable state of disrepair and fail to meet minimum safety standards. Recruiting quality teachers to rural isolated schools is a constant challenge. Rates of violent

crime on Indian reservations are more than twice the national average. In response to these challenges, this bill inexplicably fails to even fund cost-of-living increases for Indian programs. At the funding levels in this bill, the result will be layoffs of teacher and loss of accreditation at Indian schools and significant reductions in medical personnel at already chronically understaffed Indian hospitals and clinics. The suffering of the Indian peoples will increase.

Second, despite very broad support within this Congress for efforts to acquire and preserve the vanishing open land spaces in this country, this bill reduces funding for land acquisition under the Land and Water Conservation Fund from \$464 million in FY 2000 to \$164 million for FY 2001. On May 11th the House passed and sent on to the Senate H.R. 701, the Conservation and Reinvestment Act (CARA), by a vote of 315 to 102. This vote clearly reflected the majority view in Congress that the public was broadly supportive of efforts to acquire and preserve for posterity the vanishing land treasures which, if left in private hands, would surely be developed and become unavailable for our children and their grandchildren. It is difficult to understand how anyone who supports the expansion of federal land acquisition programs, which CARA envisions, can vote for the current version of the Interior Appropriations bill with its 65 percent reduction in funding for land acquisition.

Third, this bill fails to provide adequately for maintenance of the lands and historic treasures for which the federal government already has ownership and responsibility. The Chairman of the Interior Subcommittee has frequently pointed out the need to adequately take care of the lands which the government already owns and has called for the land management agencies to prepare five-year plans for meeting critical maintenance backlogs. The Minority agrees that dealing with this maintenance backlog must be a priority and cannot, therefore, understand why the Congress should support this bill which reduces funding for maintenance and construction at the Department of the Interior by \$80 million compared to last year and by \$217 million below the level requested by the president.

Finally, the Majority has failed yet again in this bill to restore some of the unwise cuts made five years ago in funding for those agencies responsible for this country's small but critically important arts and humanities education and preservation efforts. This bill funds the National Endowment for the Arts (NEA) at \$98 million, a level 40 percent below the 1995 funding level. The National Endowment for the Humanities (NEH) is funded at \$115 million, 33 percent below the level in 1995. These funding levels fundamentally ignore the successful efforts by both NEA and NEH to broaden the reach of their programs and eliminate controversial programming, the two 'reforms' requested by the Majority when they reduced funding in 1995. It is time to recognize the success of these reforms and give our premier culture the resources they need to meet this critical need. Unfortunately, the amendment offered by Democrats in Committee to raise funding for both agencies to \$125 million was defeated.

As noted earlier, in criticizing this bill, the Minority does not mean to criticize the Committee or the Subcommittee Chairman for its failings. Indeed, the efforts of the Chairman to meet critical program needs, despite inadequate resources, is obvious in a number of places. We applaud the effort to provide enough funds to the land management agencies with responsibility for the parks, refuges and forests to cover mandatory costs and avoid park closings or service cutbacks. The effort to provide a portion of the funds necessary to replace the six most urgently needed Indian schools is an imaginative way to deal with a critical problem. However, despite a professional and responsible approach by the Chairman, the budget allocation provided to the Committee as a whole and to the Interior Subcommittee in particular is not sufficient to adequately meet the needs which are covered by this bill. A Subcommittee allocation which is \$302 million below last year and \$1.7 billion below the amount requested by the president is just not enough to do the job.

In summary, if this bill were to be enacted in its current form, it is the view of the Minority that the preservation of our lands, our history and our culture would suffer substantial damage. Conditions in Indian country, already a national disgrace, would further deteriorate. The president has made it clear that he will not sign a bill which so fails to meet our fundamental stewardship responsibilities. A copy of the letter from the Director of the Office of Management and Budget indicating the president's objections to the bill follows this statement. Each Member of the House should review these issues carefully and insist that additional funds be added to the bill to address the key shortcomings that have been cited. If substantial funds are not added, this bill should be rejected with resounding `No' vote on final passage.

The Statement of Administration Policy from the Director of OMB dated May 25, 2000 follows:

**Executive Office of the President,
Office of Management and Budget,
Washington, DC, May 25, 2000.**

Hon. DAVID R. OBEY,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE OBEY: The purpose of this letter is to provide the Administration's views on the Department of the Interior and Related Agencies Appropriations Bill, FY 2001, as approved by the House Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The President's FY 2001 Budget is based on a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut,

establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. An essential element of this approach is ensuring adequate funding for discretionary programs. To this end, the President has proposed discretionary spending limits at levels that we believe are necessary to serve the American people.

Unfortunately, the FY 2001 congressional budget resolution provides inadequate resources for discretionary investments. We need realistic levels of funding for critical government functions that the American people expect their government to perform well, including education, national security, law enforcement, environmental protection, natural resource conservation, preservation of our global leadership, air safety, food safety, economic assistance for the less fortunate, research and technology, and the administration of Social Security and Medicare. Based on the inadequate budget resolution, this bill fails to address critical needs of the American people.

The Administration appreciates the efforts by the Subcommittee to accommodate a part of the President's priorities within the 302(b) allocation, such as increased funding over the FY 2000 enacted levels for national park and land management operations. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill. As a result, the bill severely underfunds the President's Lands Legacy Initiative, the Clean Water Action Plan, clean energy, the Native American Initiative, and other critical programs discussed below. The bill also includes several legislative riders that are highly objectionable to the Administration, such as provisions concerning the Interior Columbia Basin Ecosystem Management Project and the prohibition of funding for the management plans of national monuments designated by the President. The Subcommittee's failure to fund key programs sufficiently and its inclusion of damaging riders would lead the President's senior advisors to recommend a veto if the bill were presented to the President in its current form.

Below is a discussion of our specific concerns with the Subcommittee mark-up. We look forward to working with the Committee to resolve these concerns as the bill moves forward.

OBJECTIONABLE LEGISLATIVE RIDERS

The Administration strongly opposes the environmental and other authorization provisions in the Subcommittee bill, which are inappropriate for inclusion in an appropriations act. Such riders rarely receive the level of congressional and public review required of authorization language, and they often override existing environmental and natural resource protections.

The Administration believes that the following are among the most objectionable provisions. (The list is preliminary, pending a full review of the report and bill text):

National Monument Designation (Sec. 335). This rider would undermine longstanding Presidential authority by denying funds for any national monuments designated after 1999. It represents a back-door attempt to nullify five recent designations, which the American public has strongly endorsed, and to prevent the President from moving decisively in the future to protect and preserve other sites for future generations.

Interior Columbia Basin Ecosystem Management Project (ICBEMP) (Sec. 334). This provision would unnecessarily block ICBEMP completion, after seven years of work and approximately \$50 million invested in analyses and public hearings. The rider would halt the improvement in Federal land management and agency environmental management in the Columbia River Basin to protect forestland, wildlife, and fish habitat.

American Heritage Rivers (Sec. 327). The provision would diminish opportunities for inter-agency coordination and cooperation, thereby preventing the participating Federal agencies funded in this bill from offering the most effective assistance to river communities throughout the country.

Kyoto Protocol (Sec. 330). This section purports to prohibit Federal agencies funded in this bill from implementing the Kyoto Protocol. It is unnecessary, as the Administration has no intent to implement the Protocol prior to congressional ratification. To the extent this provision could be read to prevent these agencies from assisting the President in carrying out his Constitutional authority to conduct international negotiations, it would be disruptive to those efforts and may well be unconstitutional.

Prohibit Establishment of Two National Wildlife Refuges (Secs. 119 and 122). By preventing the use of funds to establish new National Wildlife Refuges on the Kankakee River in Illinois and Indiana, and in the Yolo Bypass of the San Francisco Bay in California, this provision would infringe on the Interior Department's ability under current law to protect and preserve migratory birds and endangered species. The Fish and Wildlife Service is coordinating on both of these proposals with the Army Corps of Engineers and many State and local groups.

Tribal Contract Moratorium (Sec. 331). The House would again place a one-year moratorium on the Bureau of Indian Affairs and the Indian Health Service from entering into new or expanded self-determination contracts, grants, or compacts with Tribes. This provision would interfere with the long-standing objective of tribal self-determination and self-governance and

would be contrary to the government-to-government policy the Federal Government has with Tribes. A moratorium provision was introduced in the Senate in FY 2000, but later dropped during final negotiations.

Grazing Permits (Sec. 116). This rider would automatically extend for up to 10 years any permit to graze livestock on public lands that expires FY 2001, unless the Interior Secretary has completed all processing requirements. There is no demonstrated need for this provision, because the Bureau of Land Management (BLM) will complete in FY 2001 the processing of all permits scheduled to expire in that fiscal year. This provision would give an incentive for grazing operations with a poor environmental record to delay processing National Environmental Policy Act compliance in hopes of winning an automatic renewal.

The Administration urges the Committee to report a clean bill that does not attempt to roll back environmental protections or tribal policies, benefit special interests, or circumvent authorization or administrative procedures by attaching riders to appropriations bills.

LANDS LEGACY INITIATIVE/LAND AND WATER CONSERVATION FUND (LWCF)

The Administration strongly opposes the Subcommittee decisions not to fund major portions of the President's Lands Legacy Initiative. Such reductions are unacceptable. Congress has placed these important conservation programs in jeopardy by rejecting Administration's request for a dedicated funding stream. The Subcommittee has followed with a insufficient overall funding level for the initiative that represents a 75-percent cut to the Administration's request and a 56-percent reduction from the FY 2000 enacted level. These reductions would

undermine Federal land conservation efforts to protect national treasures, such as the Everglades, Lewis and Clark National Historic Trail, California Desert, Lake Tahoe Basin, Giant Sequoia groves, Colorado Sand Dunes, and various Civil War Battlefields. State and community conservation efforts would also suffer due to inadequate Federal support for State and local programs to acquire and protect lands, enhance forests and wildlife habitat, promote urban forests and outdoor recreation, and address sprawl. These reductions would foreclose opportunities to protect those priority locations, such as the Great Northern Forest, that are vulnerable to development pressures. It would be short-sighted not to provide adequate support for the important Lands Legacy Initiative, given the bipartisan recognition of the need for the Federal Government, the States, and the private sector to protect open spaces and preserve America's great places.

NATIVE AMERICAN PROGRAMS

The Administration appreciates the Subcommittee's continued support for Indian trust funds management improvements but is concerned over the Subcommittee's limited allocations for critical Native American programs. Although the Subcommittee provides a modest \$18 million increase over the FY 2000 enacted level for the operations of the Bureau of Indian Affairs (BIA), this level is simply inadequate to fund the current level of services, much less the Administration's Government-wide Native American Programs Initiative. Just as serious is the Subcommittee's decision to reduce funding for BIA construction \$13 million below the FY 2000 enacted level. Furthermore, funds provided would not allow BIA to monitor and improve school accountability and performance through implementation of the school statistics program. The Subcommittee's funding reduction would seriously undercut BIA's ongoing efforts to maintain safe schools, provide enhanced educational opportunities for nearly 50,000 Indian children, strengthen tribal college operations, improve public safety throughout Indian Country, and assist in improving quality of life on reservations through the housing improvement and road maintenance programs. The Administration urges the Committee to support the Native American Programs Initiative.

LAND MANAGEMENT OPERATIONS

The Administration commends the Subcommittee for taking steps to address some operational and maintenance needs of land management agencies in the Department of the Interior and the Forest Service in the Department of Agriculture. The funding levels provided, however, still fail to address adequately many priority maintenance and operational needs identified in the President's budget, including the Forest Service recreation and tourism initiative, the National Park Service's Natural Resource Challenge, Fish and Wildlife Service law enforcement, and BLM management of the Headwaters Forest and other special areas.

In addition, by failing to include the requested funds for forest planning, the bill would effectively block implementation of new planning regulations to improve forest management significantly. Species inventory and monitoring funding, the subject of a Senate rider in FY 2000, would be reduced by 27 percent from the President's budget, which would limit the Forest Service from adequately supporting activities across the national forests. Furthermore, funding for survey and management, a requirement for most projects in the Pacific Northwest, has not been incorporated in the bill.

CLEAN WATER ACTION PLAN

The Administration is concerned with reductions to other key programs, including Clean Water Action Plan (CWAP). Such reductions would halt the substantial progress made to date in improving water quality and watershed

health. Efforts to improve or restore over 11,000 miles of stream corridor by FY 2005, accelerate range allotment planning, and clean up miles of polluted streams caused by past coal mining practices under the Administration's Appalachian Clean Stream Initiative would be in jeopardy. Further, the reductions in science assistance to Federal, State, and local agencies would hinder efforts to assess water quality and meet responsibilities for water quality protection. Similarly, the decrease in Forest Service CWAP funding would dramatically affect road maintenance and decommissioning, rangeland vegetation management, fish habitat and wildlife inventory and monitoring activities, watershed improvements, and the Stewardship Incentive Program.

MILLENNIUM INITIATIVE TO SAVE AMERICA'S TREASURES

The Administration objects to the Subcommittee decision not to fund the \$30 million Presidential initiative to commemorate the Millennium by preserving the Nation's historic sites and cultural artifacts that are America's treasures. We urge the Committee to restore funding for this highly successful program.

INDIAN HEALTH SERVICE--DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Administration is very concerned that the Subcommittee has significantly underfunded health care services to Native Americans and Alaska Natives. Native Americans continue to experience health disparities--mortality rates for alcoholism, tuberculosis, diabetes, and accidents are all more than three times higher for Indian people than they are for all Americans. The Indian Health Service (IHS) finances access to health care for 1.5 million Native Americans. The Subcommittee has included only \$30 million of the \$230 million increase requested to improve access to health care for Native Americans. The President's FY 2001 Budget proposes to support an additional 1,460 hospital days and 57,200 additional visits to doctors and dentists purchased from the private sector through Contract Health Services. The budget also seeks increased support for tribally-operated facilities and services for diabetes, cancer, heart diseases, emergency medical services, and dental and mental health. The Subcommittee allocation would force IHS to absorb anticipated cost increases in FY 2001 and cause a further reduction in health services.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

The Administration strongly objects to the Subcommittee-proposed funding levels for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the Institute for Museum and Library Services (IMLS). The Subcommittee freezes these important cultural

programs at their FY 2000 enacted level. This level would prevent NEA from moving forward with its Challenge America program to support, directly or in partnership with States, arts education and access to the arts in thousands of underserved communities throughout the country. NEH would not be able to expand its summer seminar series to provide professional development opportunities to our Nation's teachers, nor broaden the reach of its Rediscover America initiative to bring the humanities to more communities nationwide. IMLS would be precluded from moving forward or digitization efforts, and from expanding after-school programs in museums and on-line access to museums. We urge the Committee to provide the Administration's request for these important cultural, educational, and artistic programs for communities across America. The Administration supports an amendment expected to be offered to increase funding for NEA and NEH.

DEPARTMENT OF ENERGY

The Administration opposes reductions totaling \$120 million made by the Subcommittee to the President's high priority energy conservation programs--cuts that would seriously damaged R&D programs designed to improve the Nation's energy efficiency, reduce dependence on oil, and reduce greenhouse gas emissions. These reductions would prevent the continuation of some contracts in the Partnership for a New Generation of Vehicles and would eliminate new R&D awards for industrial energy efficiency and for more efficient trucks and SUVs. The Administration also urges the Committee to fully fund the Administration's \$154 million request for home weatherization assistance to help reduce energy bills for low-income households.

In the past several years, the Subcommittee has repeatedly attempted to mask dramatic cuts below the Administration's budget for energy conservation by moving programs between the Fossil Energy R&D and Energy Conservation accounts. This year, the Committee is proposing to merge those two accounts completely. Such a merger would make budgeting and financial management more difficult and appears primarily intended to mask once again severe cuts to the Energy Conservation request. The Administration opposes the merger of these accounts.

SMITHSONIAN AND OTHER CULTURAL AGENCIES

The Subcommittee's \$423 million overall funding level for the Smithsonian, which is \$40 million less than the Administration's request and \$15 million below the FY 2000 enacted level, would prevent the Institution from addressing critical repair and restoration needs. The National Gallery of Art and the U.S. Holocaust Memorial Museum have similar maintenance needs and should be funded at the President's requested levels. The Administration seeks to preserve and protect our Nation's treasures, as well as to provide safe and continued access to the public, and will work with the Committee to fund these important programs.

The Administration is concerned that the Subcommittee provides no funding for continued operation of the Institute of American Indian Arts in Santa Fe, New Mexico, and cuts nearly in half the \$15 million requests for the Office of Navajo and Hopi Indian Relocation. We urge the Committee to fund the new \$1 million District of Columbia Arts and Education Grants program within the Commission of Fine Arts, which is a community-based arts education program that will provide training and exposure in the arts to under-served young people and reinforce the importance of the arts as basic to education.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,
Jacob J. Lew,
Director.
David Obey.
Norman Dicks.